



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider the Appeal Received from Faisal Sublaban Regarding Notice of Public Nuisance and Order to Abate Issued by Chief Building Inspector Regarding Property Located at 1107 South Central Avenue

MEETING DATE: April 20, 1994

PREPARED BY: Community Development Director

RECOMMENDED ACTION: that the City Council conduct a public hearing to consider the appeal received from Faisal Sublaban regarding Notice of Public Nuisance and Order to Abate issued by Chief Building Inspector regarding property located at 1107 South Central Avenue.

BACKGROUND INFORMATION: On January 19, 1994, in response to a renter's complaint, James H. Siemers, Code Enforcement Officer, inspected a garage at 1107 South Central Avenue that had been converted to a living unit.

The inspection determined (1) that a garage had been illegally converted without permits or inspections; (2) that the garage could not be converted without violating the off-street parking and setback requirements of the Zoning Ordinance; and (3) that electricity and natural gas had been extended from the main dwelling.

Upon receipt of the Notice of Public Nuisance and Order to Abate, Mr. Sublaban contacted the Community Development Director and informed him that the garage conversion had been completed before Mr. Sublaban purchased the property. The staff informed the property owner that when violations are found they must be ordered corrected and that the staff had no authority to let them continue.

The applicant must have purchased the property from a private party. Realtors always check the department's files to make sure all work was done with permits and inspections, before they will list or sell a property.

FUNDING: None required.


James B. Schroeder
Community Development Director

JBS/ck

Attachments

APPROVED



THOMAS A. PETERSON
City Manager



recycled paper

CC-1

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY G. DAVENPORT
JOHN R. (Randy) SNIDER
PHILLIP A. PENNINO

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

January 28, 1994

CERTIFIED MAIL

NOTICE OF PUBLIC NUISANCE
AND
ORDER TO ABATE

Faisal Sublaban
1906 Royal Crest Dr.
Lodi, CA 95242

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel Number - 047-080-22. Said Property is more commonly known as 1107 South Central Avenue, Lodi, California 95240.

As the property owner, you are hereby notified that the undersigned Building Official of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE As defined and prescribed for by Section 202 et seq. of the Housing Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On January 19, 1994, the Building Official caused said property to be inspected. The following violations were discovered:

Finding: 1. The detached garage has been converted into a separate dwelling unit.

This existing condition is in direct violation of Section 1001, paragraphs (a) and (n), of the Housing Code of the City of Lodi which reads:

Sec. 1001. (a) General. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 203 of the Building Code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

(n) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies shall be considered substandard.

Finding: 2. Construction of a second dwelling unit on a residential parcel which is zoned for one (1) residential unit. Elimination of the required covered off street parking which is necessary in the R-1 zone.

This existing condition is in direct violation of Section 17.09.020, of the Lodi Municipal Code which reads:

17.09.020 Permitted uses - Generally.

The following uses are permitted in the R-1 district:

- A. One-family dwelling, minimum six thousand five hundred square foot lot;
- B. Farming and gardening. (Prior code § 27-5(a)(1),(2))

DETERMINATION

As a result of the foregoing violations, the undersigned Building Official has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

(a) The structure on the property in question shall be returned to its original occupancy.

(b) The structure on the property in question shall be vacated until further notice of the Building Official. Vacation must be accomplished by March 1, 1994.

Appropriate building, plumbing, mechanical, electrical, demolition, or other permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

All repair and/or demolition work required herein shall begin within 45 days from the date of this Notice and shall be completed within 90 days of the date of this Notice.

ORDER TO ABATE

Pursuant to Section 201 of the Housing Code of the City of Lodi, This Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the times determined above.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice, may appeal the same to the City Council of the City of Lodi under section 1201 et seq. of said Housing Code. The appeal should be in writing and submitted to the City Council, in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within 30 days of the date of this Notice.

FAILURE TO COMPLY

In the event of your failure to comply with re requirements set forth above, the following may apply:

1. A citation may be issued.
2. Any person violating the provisions of the Building Code, Mechanical Code, Plumbing Code, Electrical Code, or Housing Code is guilty of a misdemeanor for each day such violation continues.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Should you require additional information, please contact this office - (209) 333-6714.


JAMES H. SIEMERS
Code Enforcement Officer

cc: Donald Wolfe, 1107 S. Central Ave., Lodi, CA 95240
Occupant, Garage, 1107 S. Central Ave., Lodi, CA 95240

cc: Chief Building Official
Community Development Director
City Attorney

**FAISAL SUBLABAN
1906 ROYAL CREST DRIVE
LODI, CA 95242**

February 24, 1994

City of Lodi
City Hall
P.O. Box 3006
Lodi, CA 95241-1910

RE: Assessor Parcel No. 047-080-22
Property Address:
1107 S. Central Ave.
Lodi, CA 95240

As the said property owner of the property listed above, I am appealing this notice of order to abate, pursuant to Section 201 of the Housing Code of the City of Lodi.

I request the right to have a hearing, and anticipate response from the City of Lodi.

Please send a copy of the Morris Ray case decision and the violations that were waived. If you should have any questions please contact me at (209) 339-8818.

Sincerely,



Faisal Sublaban

:fs

RECEIVED

94 APR 12 PM 2:59

JENNIFER M. PERRIN
CITY CLERK

4-11-94

City of Lodi
Jennifer M. Perrin
City Clerk

Subject: Public Hearing Schedule for April 20, 1994.
Nuisance and Order to Abate on the Property
located at 1107 South Central Ave, Lodi

Ms. Perrin

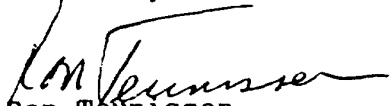
I am co-owner of the property located at 1111 South Central Ave, next door to the above noted address. For at least the past year and possibly longer, the sewer line servicing 1107 has been left open on the south side of the property, directly next to the bedroom window of my house.

I have for some time been attempting to contact the owner of 1107. I have left numerous messages for the owner with the tenants occupying the property asking him to contact me. I have also left messages at his office requesting him to correct the problem. He has not responded and the line remains open, sometimes allowing large amounts of raw sewage to pool in the side yard. I have also made several calls to the health dept, but still the problem continues.

Since the sewage line appears to be very shallow, I have wondered whether the line was properly installed. I am assuming the line will not drain properly and that is why it is left open?

I would appreciate any action you could take to remedy this problem.

Sincerely,



Ron Teunissen
4478 Winding River Cir.
Stockton, Calif
95219-8258

340 Poplar St
Lodi, Calif
April 5, 1994

RECEIVED

94 APR -7 AM 9:34

JENNIFER M. PERRIN
CITY CLERK

Re: Faisal Subiaban
Public Nuisance & Order to Abate at
1107 So. Central Ave.

Dear City Council Members:

I am writing regarding the property listed above
and request you deny his appeal.

There is a water heater behind the garage and only
six inches from my fence. Leaves and other debris are
allowed around the water heater that concerns me very
much. It is a fire hazard and I feel it should be
removed before we have a fire.

Yours truly,

Edward L. Harris

Edward L. Harris

DECLARATION OF MAILING

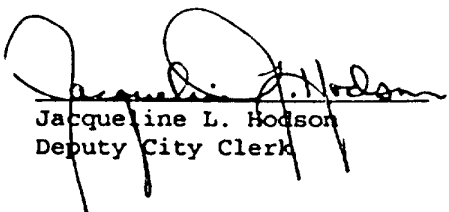
On March 17, 1994 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 17, 1994, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline L. Hodson
Deputy City Clerk



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 20, 1994

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

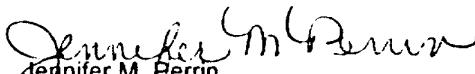
NOTICE IS HEREBY GIVEN that on Wednesday, April 20, 1994 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal received from Faisal Sublaban appealing Notice of Public Nuisance and Order to Abate on the property located at 1107 South Central Avenue, Lodi.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: March 16, 1994

Approved as to form:


Bobby W. McNatt
City Attorney

PUBLIC HEARING LIST

MAILING LIST FOR: 1107 S Central - Faisal Sublakan Appeal			FILE #	
AP#	OWNER'S NAME	MAILING ADDRESS	CITY, STATE	ZIP
047-080-23	Faisal Sublakan	1406 Rydal Crest Dr.	Lodi CA	95242
-12	Shiu Kow & Wai Ming	1708 Timberlake Cir		
-14	Tam G O'Brien et al	1539 Portola	Stockton CA	95209
-15	Leoni & G. Nunez	P.O. Box 2537	Lodi	95241
-16	Miranda Abel et al	222 Cypress St	"	95240
-17	CG & A Mamoulidis	19571 Eagle St	Castro Valley CA	94546
-18	Melvin H & EL Adams	325 Poplar St	Lodi	95240
-19	Trey L & BG White	830 Denby Way	"	"
-20	Edward L Harris	340 Poplar St.	"	"
-21	Raymond & R Meleken	1161 S Central Av	"	"
-23	Peter & A Stegmann et al	1701 E Kettleman Lane	"	"
-24	"	"	"	"
-25	Esther Nickel Tr.	308 Leland Ct	"	95242
-26	Clyde Vincent Jr	3131 Dunn Rd	Hayward CA	94545
-27	Ruby H Cookley et al	P.O. Box 32	Lodi CA	95241
-28	Adel Castillo et al	333 E Cypress St	"	95240
-29	William & Jan Heiderbrecht	329 E Cypress St	"	"
-260-34	Carlos & K L Montelaro	1544 Perez Dr.	Pacifica "	94044
-13	Beverly & J Cornelius Tr	1717 Lebec Ct	Lodi "	95240
-290-01	Northern CA Court 7th Day Advertiser	1230 S Central	"	"
-290-30	James & Kathleen Morris	415 Poplar St	"	"
-21	Charles F Johnson	413 Poplar St	"	"
-23	Northern CA Court 7th Day Advertiser	730 S Fairmont	"	"
-22	James & Donna MacDougall	411 E Poplar St	"	"
-24	Linda White	1050 S. Central Av.	"	"
-25	Clara Gann	1040 S. Central Av.	"	"
-100-03	Oscar C & B Lawson	1027 S Central		
-14	Kathleen M Schulz	1035 S Central		
-05	Fajr & VE Hoerth	1039 S Central		
-06	Rebecca Wilson	1641 S Central		
-09	Danny & Debra Dossier	339 Poplar St		
-16	Marjorie D Newman	336 Concord Ave		
-11	William B & GM Westerman	335 Poplar		
-12	Robert N & Tina Aranasin	332 Concord St		
-13	Jack E & S. Gronstetter	338 Concord		
-14	Richard E Jr & Kathleen De	337 Poplar		
-15	Keith & Diana Colgan	332 E Concord		

PUBLIC HEARING LIST

[illegible]

RECEIVED

94 APR 12 PM 2:59

4-11-94

City of Lodi
Jennifer M. Perrin
City Clerk

Subject: Public Hearing Schedule for April 20, 1994.
Nuisance and Order to Abate on the Property
located at 1107 South Central Ave, Lodi

Ms. Perrin

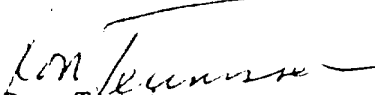
I am co-owner of the property located at 1111 South Central Ave, next door to the above noted address. For at least the past year and possibly longer, the sewer line servicing 1107 has been left open on the south side of the property, directly next to the bedroom window of my house.

I have for some time been attempting to contact the owner of 1107. I have left numerous messages for the owner with the tenants occupying the property asking him to contact me. I have also left messages at his office requesting him to correct the problem. He has not responded and the line remains open, sometimes allowing large amounts of raw sewage to pool in the side yard. I have also made several calls to the health dept, but still the problem continues.

Since the sewage line appears to be very shallow, I have wondered whether the line was properly installed. I am assuming the line will not drain properly and that is why it is left open?

I would appreciate any action you could take to remedy this problem.

Sincerely,


Ron Teunissen
4478 Winding River Cir.
Stockton, Calif
95219-8258



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 20, 1994

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that on Wednesday, April 20, 1994 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal received from Faisal Sublaban appealing Notice of Public Nuisance and Order to Abate on the property located at 1107 South Central Avenue, Lodi.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: March 16, 1994

Approved as to form:


Bobby W. McNalt
City Attorney

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Faisal Sublaban
1906 Royal Crest Drive
Lodi, CA 95242

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 251 159 968

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

4-23-94

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 • U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
SACRAMENTO CA DDF #1 04-23-90

Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

• Jennifer M. Perrin, City Clerk •
P.O. Box 3006
Lodi, CA 95241



CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(409) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

April 21, 1994

Mr. Faisal Sublaban
1906 Royal Crest Drive
Lodi, CA 95242

Dear Mr. Sublaban:

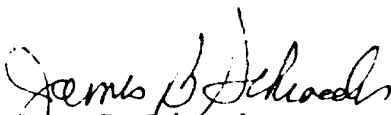
RE: Appeal - Notice of Public Nuisance and Order to Abate
1107 South Central Avenue

At its meeting of Wednesday, April 20, 1994 the Lodi City Council conducted a public hearing on your appeal regarding Notice of Public Nuisance and Order to Abate issued by the Chief Building Inspector regarding property at 1107 South Central Avenue.

At the conclusion of the public hearing, the City Council, by a 3 to 1 vote, denied your appeal. This action reinstates the Notice of Public Nuisance and Order to Abate dated January 29, 1994 and you are hereby directed to conform with all requirements of that order.

The illegally converted structure shall be vacated by midnight, Tuesday, May 31, 1994. Necessary permits for the demolition and the return of the structure to a residential garage shall be acquired from the Chief Building Inspector.

Sincerely,

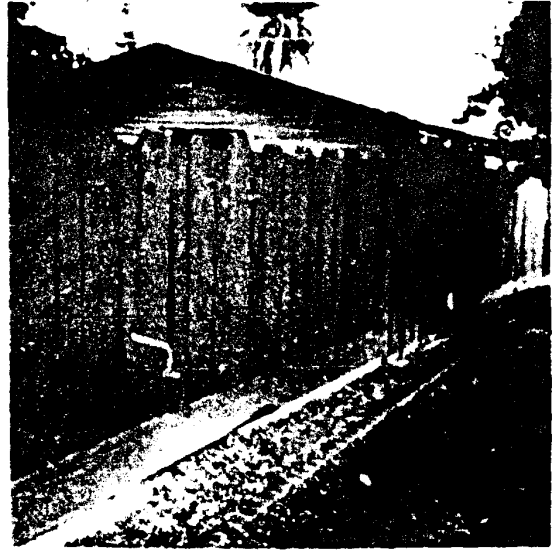
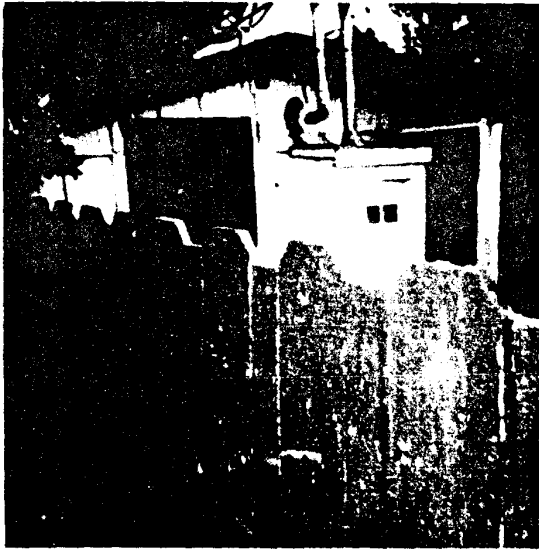

James B. Schroeder
Deputy City Clerk

cc: Chief Building Inspector
Community Development Department

JBS:jh

Enclosure

MAIL



COLLEEN DIXON

333 HILBORN

6/0 7/20

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY C. DAVENPORT
PHILLIP A. PENNING
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

May 18, 1994

CERTIFIED MAIL

Mr. Faisal Sublaban
1906 Royal Crest Drive
Lodi, CA 95242

Dear Mr. Sublaban:

RE: 1107 South Central Avenue

The postscript to your letter of April 22, 1994 states: "I would like to also file for re-consideration at this time." We presume that you are referring to the City Council's denial of your appeal regarding Notice of Public Nuisance and Order to Abate issued by the Chief Building Inspector regarding property at 1107 South Central Avenue.

The Lodi Municipal Code does not provide for reconsideration. As you were informed, after the City Council's denial on April 20, 1994, your only recourse is through the Superior Court.

Sincerely,


JAMES B. SCHROEDER
Community Development Director

cc: City Attorney
City Clerk

CC-6: CC-5 = E

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

May 19, 1994

CERTIFIED MAIL

Mr. Faisal Sublaban
1906 Royal Crest Drive
Lodi, CA 95242

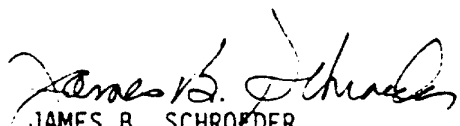
Dear Mr. Sublaban:

RE: Notice of Public Nuisance and Order to Abate
Illegally Converted Residential Garage
1107 South Central Avenue

This letter is a reminder that the automobile garage illegally converted to a dwelling unit at 1107 South Central Avenue (APN 047-080-22) has been ordered vacated by midnight, Tuesday, May 31, 1994.

The Chief Building Inspector or his designee will post the premises as unfit for human occupancy on Wednesday, June 1, 1994. If you, as owner of the property, permit the illegal converted structure to be used as a residential dwelling beyond May 31, 1994, you may be subject to prosecution.

Sincerely,


JAMES B. SCHROEDER
Community Development Director

cc: Chief Building Inspector
City Attorney
City Clerk

cc: 6-1-94 JEB